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7 JEFFREY FISHER,  
8 Plaintiff,  
9 v.  
10 CLIFF ALLENBY, et al.,  
11 Defendants.

Case No. [14-cv-05089-YGR](#) (PR)

**ORDER OF TRANSFER**

12 Plaintiff, who is proceeding pro se, is a civil detainee at the Coalinga State Hospital  
13 (“Coalinga”), in Coalinga, California. He is detained pursuant to California’s Sexually Violent  
14 Predator Act (“SVPA”).

15 On November 18, 2014, he filed a complaint under 42 U.S.C. § 1983, complaining about  
16 the conditions of his confinement at Coalinga. He also filed a motion for leave to proceed *in*  
17 *forma pauperis*.

18 Here, Defendants are officials of Coalinga and of the California Department of Corrections  
19 and Rehabilitation in Sacramento, California. Both Coalinga and Sacramento lie within the venue  
20 of the United States District Court for the Eastern District of California. Venue for this case is  
21 therefore proper in the Eastern District. *See* 28 U.S.C. § 1391.

22 Petitioner also complains about the validity of his assessment as a sexually violent predator  
23 under the SVPA, which assessment took place in Butte County. Challenges to the assessment  
24 itself are the province of a habeas petition, not a civil rights action, because they implicate the  
25 validity of his detention. *See Hill v. McDonough*, 547 U.S. 573, 579 (2006) (challenges to the  
26 lawfulness of confinement or to particulars affecting its duration are the province of habeas  
27 corpus); *Nelson v. Sandritter*, 351 F.2d 284, 285 (9th Cir. 1965) (constitutionality of state civil  
28 commitment proceedings are challenged in federal habeas corpus once state remedies have been

1 exhausted). Plaintiff may challenge the validity of his assessment in the United States District  
2 Court for the Eastern District of California,<sup>1</sup> but he must do so by way of a habeas petition filed in  
3 a separate action from the instant civil rights case, after exhausting state judicial remedies.

4 Accordingly, and in the interests of justice, this case is TRANSFERRED to the United  
5 States District Court for the Eastern District of California. *See* 28 U.S.C. 1404(a), 1406(a). The  
6 Clerk shall transfer the case forthwith.

7 All remaining motions are TERMINATED on this Court's docket as no longer pending in  
8 this district.

9 IT IS SO ORDERED.

10 Dated: December 22, 2014

  
11 YVONNE GONZALEZ ROGERS  
12 United States District Judge

United States District Court  
Northern District of California

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1 <sup>1</sup> Butte County lies within the venue of the Eastern District as well. *See* 28 U.S.C. § 84.